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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Marcos Aurelio REYNOSO-Martinez,

Defendant

FILED
08 APR 21 AM 11:18
08 MJ 12 19
Magistrate Docket No. 18
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
By Ismael A. Canto COMPLAINT FOR VIOLATION OF:

DEPUTY
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **April 18, 2008** within the Southern District of California, defendant, **Marcos Aurelio REYNOSO-Martinez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Ismael A. Canto
SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF APRIL, 2008

Jan M. Adler
Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Marcos Aurelio REYNOSO-Martinez

PROBABLE CAUSE STATEMENT

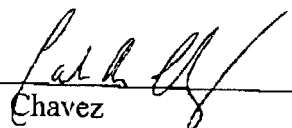
I declare under the penalty of perjury that the following statement is true and correct:

On April 18, 2008, Senior Patrol Agent J. D. Harris, and his trained and certified service canine partner Fritz were assigned patrol duties in Potrero, California. At approximately 8:40 a.m., Agent Harris and Fritz responded to the activation of a seismic intrusion sensor near Harris Ranch Road and Highway 94. The area is approximately four miles east and one mile north of the Tecate, California Port of Entry. Upon arriving in the vicinity of the device, Agent Harris and Fritz positioned themselves north of the sensor on a trail leading directly from the area of the activation. Approximately 20 minutes later, a group of 15 individuals approached their location, whereupon, Agent Harris identified himself as a United States Border Patrol Agent and questioned all the individuals as to their citizenship. Each subject, including one later identified as the defendant **Marcos Aurelio REYNOSO-Martinez** freely admitted that they were citizens and nationals of Mexico. All fifteen subjects, including the defendant, further admitted that they were not in possession of any valid immigration documents that would allow them to enter or remain in the United States legally. Agent Harris placed the subjects under arrest and they were subsequently transported to the Tecate, California Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on August 8, 2007 through Nogales, Arizona. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

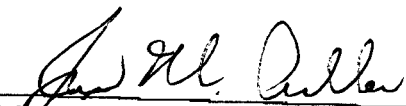
The defendant was advised his Miranda Rights. The defendant stated that he understood his rights and was willing to speak without a lawyer present. The defendant also stated that he is a citizen and national of Mexico illegally present in the United States without proper immigration documents allowing him to enter or remain in the United States legally.

Executed on April 19, 2008 at 9:00 a.m.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 18, 2008, in violation of Title 8, United States Code, Section 1326.



Jan M. Adler

United States Magistrate Judge



Date/Time